

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

NIAGARA MOHAWK POWER CORPORATION,

Plaintiff,

vs

CONSOLIDATED RAIL CORPORATION; THE
KING SERVICE, INC.; UNITED STATES STEEL
COMPANY; EDWIN D. KING; LAWRENCE
KING; RICHARD B. SLOTE; CHEVRON U.S.A.,
INC.; PORTEC, INC.; and AMERICAN PREMIER
UNDERWRITERS, INC.;

5:98-CV-1039

Defendants.

CHEVRON, U.S.A., INC.,

Third-party Plaintiff,

vs

THE COUNTY OF RENSSELAER; and THE COUNTY
OF RENSSELAER SEWER DISTRICT NO. 1,

Third-party Defendants.

APPEARANCES:

OF COUNSEL:

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DAVID N. HURD
United States District Judge

ORDER

On May 10, 2005, the United States Court of Appeals for the Second Circuit issued a Mandate remanding this matter for consideration in light of Cooper Industries v. Aviall Services, __ U.S. __, 125 S. Ct. 577 (2004). The Mandate was filed on May 16, 2005.

Accordingly, it is

ORDERED that

1. Any interested defendant may file and serve a brief on this issue not to exceed ten pages in length on or before June 17, 2005;
2. Plaintiff may file and serve a responsive brief not to exceed ten pages in length on or before July 15, 2005;
3. No reply briefs will be permitted; and
4. Oral argument will be heard at the United States Courthouse, 10 Broad Street, Utica, New York, at 10:00 a.m. on August 12, 2005.

IT IS SO ORDERED.

Dated: May 26, 2005
Utica, New York.


United States District Judge